

Attorney Docket No.: 09001.1001

REMARKS

The Office has rejected the following claims under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,732,216 to Logan et al.

In the applicant's previous response, many claims were amended that clearly placed in the claims into an allowable state over the cited reference.

Claim 1. In the previous response, the applicant amended claim 1 to include the limitation of:

obtain content programming information via the
information content source interface, the content
programming information being based at least in part on the
user information and including a plurality of content
segments with at least one of the plurality of content
segments including at least one sub-segment;

The Office has stated that this limitation of converting a content segment into a plurality of content segments is disclosed in the cited reference (Logan). The applicant carefully reviewed the cited reference prior to preparing a response to the last Office Action as well as after receiving the present Office Action. Logan does not describe, suggest, teach, or even allude to such a feature. The Office has cited the following text in Logan as including this limitation:

Logan column 44 lines 21-35

A conventional HTML hypertext anchor " full motion video" is processed to produce the three records "A", "B" and "L" at 478 in the selections file which respectively designate the beginning and ending of the anchor text passage and the location of a linked information. The "HREF='target'" portion of the HTML specifies the target location in conventional HTML and that symbolic address is then translated by the selections file compiler into the location within the selections file of the selections file record which refers to that target or, for targets in program segments which are not part of the currently scheduled programming defined by the selections file, by a negative number representing the negative of the ProgramID number of the target program segment.

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The Office has failed to show any passage in the cited reference that even relates to the present invention providing content segments and the use of sub-segments within the content segments.

Claim 2. Claim 2 depends from claim 1 which is allowable at least for the reason that Logan does not describe, suggest or teach segments that include sub-segments.

Claim 3 The Office has repeatedly used this argument as a rejection of the claims. The Applicant points out once again that, using the Offices own language "Logan teaches that the player identifies program segments desired by the subscriber, program segments newly requested by the user are appended to the compilation." This has absolutely no correlation with the element of response information that solicits various actions based on which sub-segment with the content segment with which it is associated. The applicant requests the Office to show with specificity where these elements are included in Logan:

The Office has cited the following passages in Logan as describing this element.

Logan column 6, lines 9-26

Usage data in the store 109 maintained by the player 103 is preferably uploaded as a file bearing a predetermined file name indicative of the particular subscriber and upload time and stored in a predetermined FTP upload directory. This upload advantageously occurs' at the same time the player 103 establishes a download connection to the FTP server 125 as noted earlier, and occurs prior to the download of the compilation 145. Because the upload data from the store 109 in the player 103 identifies program segments desired by the subscriber, program segments newly requested by the user are appended to the compilation 145. Note that, in typical cases, programming in addition to the specifically requested programming will be included in the download compilation, and the transfer of that programming can begin immediately while the newly uploaded user selections and other information are being processed as indicated at 153 to identify additional information to be included in the download compilation.

Logan column 17, lines 42-61

The Programs Table 303, as noted above, contains Program.sub.-- Segment records which describe the nature of each programming, advertising and announcement segment in the library which is potentially reproducible by the player 103. As illustrated by the type declaration above, each Program.sub.-- Segment record specifies the account number (ProviderID) of the advertiser or content provider if any who may be charged or compensated for the actual playing of the program segment by subscribers. The record further contains a Classtype variable Class which indicates whether

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this segment is an advertisement, a program, a comment or an announcement.

Logan teaches uploading usage data. This is not the same as receiving response information. Further, Logan does not describe, suggest or teach the use of sub-segments. Logan only describes segments: advertising segment, program segment, comment segment, announcement segment. These are not sub-segments as taught and claimed. These are segments. Logan does not describe, suggest or teach the response information soliciting various actions. A user requesting additional segments is not a response, it is a request. Thus, downloading a segment based on the user's desire is not an action based on a response to a sub-segment. Further, the claimed invention provides a response that solicits various actions based on which sub-segment within the content segment with which it is associated. Again, Logan does not describe, suggest, or teach anything similar to this element.

The remaining claims that either depend directly or indirectly from claim 1 are also allowable as being dependent upon an allowable claim.

Claim 42 and the claims that depend there from are allowable for at least the same reasons that claim 1 is allowable.

Claim 58 and the claims that depend there from are allowable for at least the same reasons that claim 1 is allowable.

Claim 80 is allowable for at least the same reasons that claim 1 is allowable.

Claim 89 and the claims that depend there from are allowable for at least the same reasons that claim 1 is allowable.

Claim 94 and the claims that depend there from are allowable for at least the same reasons that claim 1 is allowable.

The applicants submit that the claims as submitted are directed towards subject matter that is not disclosed in the cited references and that would not have been obvious in view of the cited references. Thus, the applicants respectfully request the Office to move this case towards allowance.

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The applicant's attorney has requested a telephone conference with the Examiner for Friday, October 22 at 3:30pm. The applicant's attorney can be reached at the following numbers:

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Respectfully submitted,



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